

Regular Session, 2010

HOUSE BILL NO. 1435

BY REPRESENTATIVE GREENE

1 AN ACT

2 To amend and reenact Children's Code Article 311(A)(1)(introductory paragraph) and
3 (B)(1)(introductory paragraph), R.S. 13:1401(A)(1) and 1621(A)(3), and R.S.
4 46:236.2(A)(2) and (B)(2), and to repeal R.S. 13:1621(B) and (C), relative to
5 jurisdiction; to provide for the exclusive jurisdiction of the East Baton Rouge Parish
6 Family Court; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 311(A)(1)(introductory paragraph) and
9 (B)(1)(introductory paragraph) are hereby amended and reenacted to read as follows:

10 Art. 311. Juvenile jurisdiction over adults; support proceedings; coexistent orders

11 A.(1) A court exercising juvenile jurisdiction shall have exclusive original
12 jurisdiction, except in East Baton Rouge Parish, in the following cases involving
13 support of family:

14 * * *

15 B.(1) A court exercising juvenile jurisdiction shall have concurrent
16 jurisdiction, except in East Baton Rouge Parish, in the following cases involving
17 support of family:

18 * * *

Section 2. R.S. 13:1401(A)(1) and 1621(A)(3) are hereby amended and reenacted to read as follows:

§1401. Family court for the parish of East Baton Rouge; establishment; jurisdiction

A. There is hereby established the family court for the parish of East Baton Rouge, which shall be a court of record with exclusive jurisdiction in the following proceedings:

(1) All actions for divorce, annulment of marriages, claims for contributions made by one spouse to the education or training of the other spouse, establishment or disavowal of the paternity of children, spousal and child support and nonsupport, and custody and visitation of children, as well as of all matters incidental to any of the foregoing proceedings, including but not restricted to the issuance of conservatory writs for the protection of community property, the awarding of attorney fees in judgments of divorce, the cumulation of and rendering executory of spousal and child support, the issuance of writs of fieri facias and garnishment under judgments of the court for spousal and child support and attorney fees, jurisdiction of which was vested in the Nineteenth Judicial District Court for the parish of East Baton Rouge prior to the establishment of the family court for the parish of East Baton Rouge.

* * *

§1621. Juvenile court for the parish of East Baton Rouge; establishment;
jurisdiction

A. There shall be a separate juvenile court for the parish of East Baton Rouge which shall be a court of record and shall be known as the "Juvenile Court for the Parish of East Baton Rouge". There shall be two judges of the juvenile court, who shall preside over that court. The court shall have exclusive jurisdiction in the following proceedings:

* * *

(3) All such additional jurisdiction, power, and authority now or hereafter provided by law for juvenile courts, ~~and particularly but not restricted to the jurisdiction, power, and authority under the provisions of R.S. 13:1569 through 1592,~~

~~R.S. 46:236.5, and Articles 14 through 17 and Article 23 of the Code of Juvenile Procedure.~~

* * *

Section 3. R.S. 46:236.2(A)(2) and (B)(2) are hereby amended and reenacted to read as follows:

§236.2. Amendment of support orders

A.

* * *

(2) Notwithstanding the provisions of R.S. 13:1599(B) ~~and 1621(C)~~, in cases receiving support enforcement services from the department, upon the district attorney's or the department's motion to transfer, a support order payable to the department shall be transferred for subsequent enforcement and modification to the appropriate juvenile court within the parish wherein the support order was rendered or last registered, however except in East Baton Rouge Parish ~~a support order may be transferred pursuant to this Paragraph to the family or juvenile court.~~

* * *

B.

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(2) Notwithstanding the provisions of R.S. 13:1599(B) ~~and 1621(C)~~, in cases receiving support enforcement services from the department, upon the district attorney's or the department's motion to transfer, a support order amended to change the payee to the individual or caretaker instead of the department under this Subsection, shall be transferred for subsequent enforcement and modification to the appropriate court which was enforcing the support order prior to its transfer under Paragraph (A)(2) of this Section.

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- 1 Section 4. R.S. 13:1621(B) and (C) are hereby repealed in their entirety.
- 2 Section 5. The provisions of this Act shall become effective January 1, 2011.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____